

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 237

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO LOBBYISTS; AMENDING SECTION 67-6605, IDAHO CODE, TO CORRECT A CODE REFERENCE; AMENDING SECTION 67-6621, IDAHO CODE, TO REVISE PROHIBITED ACTIONS OF A PERSON REQUIRED TO REGISTER AS A LOBBYIST AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 67-6625, IDAHO CODE, TO PROVIDE THAT A CERTAIN SUBSEQUENT VIOLATION SHALL BE A FELONY, TO CORRECT CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 67-6605, Idaho Code, be, and the same is hereby amended to read as follows:

67-6605. CONTRIBUTIONS OBTAINED BY A POLITICAL COMMITTEE. Contributions shall not be obtained for a political committee by use of coercion or physical force, by making a contribution a condition of employment or membership, or by using or threatening to use job discrimination or financial reprisals. A political committee may solicit or obtain contributions from individuals as provided in chapter 26, title 44, Idaho Code, or as provided in section 44-2004, Idaho Code. A violation of the provisions of this section shall be punished as provided in subsection (~~b~~2) of section 67-6625, Idaho Code.

SECTION 2. That Section 67-6621, Idaho Code, be, and the same is hereby amended to read as follows:

67-6621. DUTIES OF LOBBYISTS. A person required to register as a lobbyist under this act shall also have the following obligations, the violation of which shall ~~constitute~~ constitute cause for revocation of his registration, and may subject such person, and such person's employer, if such employer aids, abets, ratifies or confirms any such act, to other civil liabilities, as provided by this ~~act~~ chapter:

(~~a~~1) Such persons shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the financial reports required to be made under this ~~act~~ chapter for a period of at least three (3) years from the date of the filing of the statement containing such items, which accounts, bills, receipts, books, papers and documents shall be made available for inspection by the secretary of state at any reasonable time during such three (3) year period; provided, however, that if a lobbyist is required under the terms of his employment contract to turn any records over to his employer, responsibility for the preservation of such records under this subsection shall rest with such employer.

(~~b~~2) In addition, a person required to register as a lobbyist shall not:

(~~1~~a) Engage in any activity as a lobbyist before registering as such;

(2b) Knowingly deceive or attempt to deceive any legislator or executive official to any fact pertaining to any pending or proposed legislation, executive order or administrative rule;

(3c) Cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its defeat;

(4d) Knowingly represent an interest adverse to any of his employers without first obtaining such employers' consent thereto after full disclosure to such employers of such adverse interest;

~~(5e) Exercise any economic reprisal, extortion, or unlawful~~ Maliciously cause or threaten any pecuniary detriment to a legislator or executive official as retaliation upon any against the legislator by reason of such legislator's position with respect to, or his vote upon, any pending or proposed legislation or executive official for any decision, opinion, vote or other exercise of official discretion in any official proceeding, or to influence a legislator or executive official to exercise official discretion in a particular manner in any official proceeding; or

~~(6f)~~ Accept any employment as a lobbyist for a compensation dependent in any manner upon the passage or defeat of any proposed or pending legislation or upon any other contingency connected with the action of the legislature or of either branch thereof or of any committee thereof.

SECTION 3. That Section 67-6625, Idaho Code, be, and the same is hereby amended to read as follows:

67-6625. VIOLATIONS – CIVIL FINE – MISDEMEANOR PENALTY – PROSECUTION – LIMITATION – VENUE. ~~(a1)~~ Any person who violates the provisions of sections 67-6603 through 67-6614A, 67-6617, 67-6619, 67-6620, 67-6621~~(a1)~~, 67-6624, 67-6629 or 67-6630, Idaho Code, shall be liable for a civil fine not to exceed two hundred fifty dollars (\$250) if an individual, and not more than two thousand five hundred dollars (\$2,500) if a person other than an individual. The burden of proof for such civil liability shall be met by showing a preponderance of the evidence.

~~(b2)~~ Any person who violates section 67-6605 or 67-6621~~(b2)~~, Idaho Code, and any person who knowingly and willfully violates sections 67-6603 through 67-6614A, 67-6617, 67-6619, 67-6620, 67-6621~~(a1)~~, 67-6624, 67-6629 or 67-6630, Idaho Code, is guilty of a misdemeanor and, upon conviction, in addition to the fines set forth in subsection ~~(a1)~~ of this section, may be imprisoned for not more than six (6) months or be both fined and imprisoned.

(3) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 67-6621(2)(e), Idaho Code, who previously has been found guilty or has pled guilty to one (1) or more violations of the provisions of section 67-6621(2)(e), Idaho Code, or any substantially conforming foreign criminal violation shall be guilty of a felony and shall be punished by imprisonment in the state prison for a term of not less than one (1) year and not more than five (5) years, or fined an amount not to exceed ten thousand dollars (\$10,000), or by both fine and imprisonment. All previous violations charged in the same complaint or where the guilty plea was entered or found on the same date shall be treated as one (1) prior violation for the purposes of this subsection.

~~(e4)~~ The attorney general or the appropriate prosecuting attorney may prosecute any violations of this ~~act~~ chapter.

1 (~~e~~5) Prosecution for violation of this ~~act~~ chapter must be commenced within two (2)
2 years after the date on which the violation occurred.

3 (~~e~~6) Venue for prosecution under the provisions of this chapter shall be in the county of
4 residence of the defendant if the defendant is a resident of the state of Idaho, otherwise venue
5 shall be in Ada county.